THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7406 OF 2007

DATED 12.04.2007

BETWEEN

Cherukupalli Satyamma

… Petitioner

AND

The Anantha Padmanabha Swamy Devasthanam, rep. By its founder trustee, Ananthagiri village, Vikarabad Mandal, Ranga Reddy District and another.

… Respondents

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7406 OF 2007

ORDER:

The land admeasuring Acs.7.27 guntas in survey No.156 of

Khudavanadapur village, Pargi Mandal of Ranga Reddy District belongs to Sri Anantha Padmanabha Swamy Devasthanam, Ananthagiri village, Vikarabad. The petitioner's husband and his forefathers are alleged to have been in occupation of the land for over a period of century and after death of her husband, petitioner claims to be in possession of the land as cultivating tenants. When third parties threatened to dispossess her, the petitioner filed O.S.No.5 of 1996 on the file of Court of the Junior Civil Judge, Ranga Reddy District and obtained *ad interim* injunction. The suit was ultimately decreed. The respondent conducted auction on 13.04.2004 to lease out the land. The petitioner allegedly participated in the auction and obtained lease for a period of three years. She claims that she is a landless poor person and therefore, she is entitled for the benefit under Section 80(2) of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 (the Act, for brevity). The first respondent again issued another auction notice on 20.03.2007 proposing to conduct auction on 10.04.2007. She gave a representation to continue her lease, in vain. Therefore, she filed the writ petition *inter alia* seeking a direction to respondents to consider her representation and for declaration that the auction is illegal.

After coming into force of Section 82(1) of the Act as amended by A.P.Act No.27 of 2002, the lease of agricultural land by a religious or charitable institution shall stand cancelled unless as provided under Section 82(2) of the Act, the lessee is a landless poor person as defined in Explanation to Section 82(2) of the Act. A.P.Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 (the Rules, for brevity) have been made by the Government providing for the procedure to consider the claims of lessees that they are landless poor persons. A person claiming to be as such has to seek a declaration from the Assistant Commissioner under Rule 3 of the Rules. In spite of the repeated queries, learned counsel for the petitioner dodged this question and did not place any material to show that the petitioner is landless poor person. The bald statement in the affidavit accompanying the writ petition is of no use to confer any right on her. Even otherwise, the land comprised in survey No.156 is Acs.7.25 guntas and therefore, the petitioner cannot be treated as landless poor person.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

12.04.2007.

pln